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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/535,106

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Dirk Adolph

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EXAMINER

BELTOWSKI, JARED D

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

05/27/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/535,106	Applicant(s) ADOLPH ET AL.	
	Examiner Jared Beltowski	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 10-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11 and 12 is/are allowed.
- 6) ☒ Claim(s) 1-6, 10 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 13 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Descriptive material can be characterized as either “functional descriptive material” or “nonfunctional descriptive material.” “Nonfunctional descriptive material” includes but is not limited to a mere arrangement of data. When nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material stored on a computer- readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See MPEP 2106.6 for further reading.

The limitations of claim 13 are mere data structures, which impart no functionality, stored on a computer-readable medium.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-6, 10, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,424,792 (Tsukagoshi et al.).**

5. **In regard to claim 1**, Tsukagoshi et al. disclose a method for composition of subtitles for audio/video presentations, wherein data streams containing video, audio and subtitle information are transferred from a storage medium, such as a disc, including the steps of retrieving from said storage medium subtitle layer data the subtitle layer data containing graphic subtitle elements (column 4, lines 28-34); extracting from said retrieved subtitle layer data cropping information (column 4, lines 58-60); and enabling automatic cropping of parts of the subtitle elements to be displayed (column 9, lines 44-49), wherein the cropped parts are defined by said cropping information.

6. **In regard to claim 2**, Tsukagoshi et al. disclose the method according to claim 1, wherein the cropped parts of the subtitle elements are synchronized to the audio/video presentation through presentation time stamps. (column 8, lines 53-65)

7. **In regard to claim 3**, Tsukagoshi et al. disclose the method according to claim 1, wherein the subtitle layer data comprise data for a first color look-up table to be used within a sub-region of said cropped parts of the subtitles (column 9, line 65 – column 10, lines 1), the

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sub-region being specified by parameters included in said subtitle layer data (column 17, lines 20-35), and further comprise data for a different second color look-up table to be used in the remainder of the subtitle layer (column 9, line 65 – column 10, lines 1).

8. **In regard to claim 4**, Tsukagoshi et al. disclose the method according to claim 1, wherein a user may interactively move (column 10, lines 16-20), crop or highlight subtitles or modify the colors of subtitles.

9. **In regard to claim 5**, Tsukagoshi et al. disclose an apparatus for composition of subtitles for audio/video presentations, wherein data streams containing video, audio and subtitle information are transferred from a storage medium, the apparatus including a means for retrieving from said storage medium subtitle layer data, wherein the subtitle layer data contain graphic subtitle elements (column 4, lines 28-34); a means for extracting from said retrieved subtitle layer data cropping information (column 4, lines 58-60); and a means for enabling automatic cropping of parts of the subtitle elements to be displayed (column 9, lines 44-49), wherein the cropped parts are defined by said cropping information.

10. **In regard to claim 6**, Tsukagoshi et al. disclose the apparatus according to claim 5, further comprising means for synchronizing the cropped parts of the subtitles to the audio/video presentation through presentation time stamps. (column 8, lines 53-65)

11. **In regard to claim 10**, Tsukagoshi et al. disclose the apparatus according to claim 5, further comprising a subtitle decoder that is capable of superseding default subtitle parameters with other subtitle parameters generated upon user action, for interactively modifying or highlighting subtitles. (column 10, lines 16-20)

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12. **In regard to claim 13**, Tsukagoshi et al. disclose an optical storage medium containing data for audio/video presentation and data for composition of subtitles for said audio/video presentation, wherein the data for composition of subtitles contain data representing graphic subtitle elements to be rendered in a subtitle layer (column 4, lines 28-36) and cropping information defining parts of the graphic subtitle elements to be automatically cropped before displaying the subtitles (column 9, lines 44-49).

Allowable Subject Matter

13. **Claims 11 and 12 are allowed.** The following is a statement of reasons for the indication of allowable subject matter: The prior art cited fails to disclose the following limitations of independent claim 11:

- a mixer that may superimpose video data of a back layer, at least two middle layers and a front layer;
- a mixer and scaler that may superimpose video data of a back layer, a middle layer and a front layer, the mixer and scaler providing its output data to the mixer;
- at least two simultaneously working decoders for synchronized graphics or subtitles, wherein the output of each of the decoders may be switched to either the mixer or the mixer and scaler, and wherein a decoder may select a part of its input data to be output for display;

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared Beltowski whose telephone number is (571) 270-7120. The examiner can normally be reached on Monday-Friday, 7:30 am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jared Beltowski/
Examiner, Art Unit 2621

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621